



BUSINESS ADVISORS AND NEGOTIATORS

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DEPARTMENT OF
WATER RESOURCES

November 13, 2008

VIA FIRST CLASS MAIL
AND FACSIMILE

Director
Idaho Department of Water Resources
322 E. Front Street
Boise, ID 83702

Re: Water Rights/Erkins

Dear Sir:

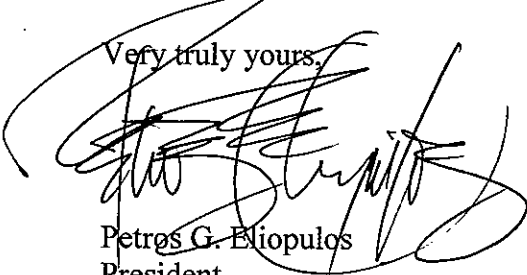
At the request of John Homan, Deputy Attorney General, I am providing the following document from an appeal which is pending at the Ninth Circuit Court of Appeals. Notwithstanding a letter received from Boston attorney Joseph Bodoff, the legal issues regarding the water rights on White Arrow Ranch are pending at the Ninth Circuit. The issues relating to the appeal have yet to be briefed.

Pursuant to my agreement with Mr. Homan, it is my understanding that no changes as it relates to the water rights will occur until such time as the issues at the Ninth Circuit are fully and completely resolved.

If you have any questions, or require additional documentation, please contact me.

Thank you for your attention to this matter.

Very truly yours,



Petros G. Eliopoulos
President

PGE/jae

Encl.

cc: Mr. Jerry Shulkin, Esq.
Erkins family

U.S. COURTS

FILED

OCT 27 2008

UNITED STATES COURT OF APPEALS

OCT 24 2008

Rcvd _____ Filed _____
CAMERON, ET AL.
CLERK DIST.

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

ALFRED J. BIANCO, as Plan
Administrator to the Estate of Gaston &
Snow,

Plaintiff - Appellee,

v.

ROLLIE NEWTON & COMPANY,
Trustee of the Coastal Foreign Security
Trust,

Defendant - Appellant,

ROBERT A. ERKINS, husband; et al.,

Defendants - Appellees,

and

PETROS G. ELIOPULOS, an individual,
as Trustee of the Lissalin Ultra Trust dated
February 27, 2001 as the Meglon
Domestic Non Grantor Trust dated
February 27, 2001 GEO/PLEUROTUS
GROWERS LIMITED PARTNERSHIP;
et al.,

Defendants,

BLISS VALLEY FOODS, INC., an Idaho
corporation; et al.,

No. 03-35431

D.C. Nos. CV-02-00142-BLW
CV-02-00142-BLW

District of Idaho,
Boise

ORDER

Defendants.

Before: Peter L. Shaw, Appellate Commissioner.

The court is in receipt of appellant's counsel's motions to withdraw and appellees' responses thereto due to non-communication with his client. The motion is denied without prejudice to the filing of a renewed motion that includes the last known address for appellant or a notice of appearance of new counsel. Within 21 days after the date of this order, appellant shall file a renewed motion to withdraw or the opening brief or a motion to dismiss pursuant to Ninth Circuit Rule 42(b). If appellant files the opening brief the answering brief is due 30 days after service of the opening brief. The optional reply brief is due 14 days after service of the answering brief.

Appellee's opposed motion to dismiss is denied.